

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CARNEGIE INSTITUTION OF
WASHINGTON and M7D CORPORATION,

Plaintiffs,

v.

PURE GROWN DIAMONDS, INC. and
IIA TECHNOLOGIES PTE. LTD. d/b/a
IIA TECHNOLOGIES,

Defendants.

Case No. 20-cv-189 (JSR)

**DECLARATION OF J. PRESTON LONG IN SUPPORT OF
DEFENDANTS' REPLY IN SUPPORT OF THEIR OMNIBUS
MOTION FOR SUMMARY JUDGMENT**

I, J. Preston Long, declare as follows:

I am an attorney with Finnegan, Henderson, Farabow, Garrett & Dunner, LLP and am counsel for Defendants Pure Grown Diamonds, Inc. and Iia Technologies Pte. Ltd. in the above-captioned matter. I submit this declaration based upon my own personal knowledge in support of Defendants' Omnibus Reply in Support of Their Motion for Summary Judgment.

1. Attached as **Exhibit 58** is a true and correct copy of excerpts from the Rough Transcript of the October 30, 2020 Deposition of Karen K. Gleason in the instant case.

2. Attached as **Exhibit 59** is a true and correct copy of excerpts from the Rebuttal Expert Report of Dr. Christoph E. Nebel Regarding the Non-infringement of Claims 1, 6, 11, 12, 16, and 20 of U.S. Patent No. 6,858,078.

3. Attached as **Exhibit 60** is a true and correct copy of excerpts from the Transcript of the October 14, 2020 Deposition of Clive Hill in the instant case.

4. Attached as **Exhibit 61** is a true and correct copy of U.S. Patent No. 7,128,974 B2.

to Scarsbrook et al.

5. Attached as **Exhibit 62** is a true and correct copy of Badzian, *Synthesis of Diamond From the Gas Phase*, in ELECTRONIC REFRACTORY MATERIALS Ch. 15, pp. 347–68 (Y. Kumashiro ed. 2000).

6. Attached as **Exhibit 63** is a true and correct copy of C.-S. Yan, *Multiple Twinning and Nitrogen Defect Center in Chemical Vapor Deposited Homoepitaxial Diamond*, Ph.D. Dissertation, University of Alabama Birmingham (1999).

7. Attached as **Exhibit 64** is a true and correct copy of the recorded assignment of the U.S. Patent No. 6,858,078 to the Carnegie Institute of Washington and the UAB Research Foundation on February 5, 2003.

8. Attached as **Exhibit 65** is a true and correct copy of excerpts from the Transcript of the September 1 and 2, 2020 Deposition of Russell J. Hemley in the instant case.

9. Attached as **Exhibit 66** is a true and correct copy of excerpts from the Transcript of the October 16, 2020 Deposition of Joseph Lai in the instant case.

10. Attached as **Exhibit 67** is a true and correct copy of U.S. Patent Pub. No. 2005/0260935 to Anthony et al.

11. Attached as **Exhibit 68** is a true and correct copy of U.S. Patent Pub. No. 2001/0031237 to Vagarali et al.

12. Attached as **Exhibit 69** is a true and correct copy of excerpts from the Transcript of the August 7, 2020 Deposition of Marilyn Williams in the instant case.

13. Attached as **Exhibit 70** is a true and correct copy of excerpts from the Transcript of the October 23, 2020 Deposition of Michael Capano in *Carnegie Institution of Washington v. Fenix Diamonds, LLC*, No. 20-cv-200 (JSR).

14. Attached as **Exhibit 71** is a true and correct copy of excerpts from the Transcript of the October 20, 2020 Deposition of Michael Capano in the instant case.

15. Attached as **Exhibit 72** is a true and correct copy of excerpts from the Transcript of the October 22, 2020 Deposition of Karen K. Gleason in *Carnegie Institution of Washington v. Fenix Diamonds, LLC*, No. 20-cv-200 (JSR).

16. Attached as **Exhibit 73** is a true and correct copy of an August 2018 e-mail chain [REDACTED] produced as Carnegie_189_2AT-00146050-52.

17. Attached as **Exhibit 74** is a true and correct copy of excerpts from the Transcript of the July 31, 2020 Deposition of Yogesh K. Vohra in the instant case.

18. Attached as **Exhibit 75** is a true and correct copy of a November 26, 2009 Draft of the WDLP Business Plan Prepared for Carnegie Institution of Washington.

19. Attached as **Exhibit 76** is a true and correct copy of an August 2018 e-mail chain [REDACTED] produced as Carnegie_189_2AT-00145962-63.

20. Attached as **Exhibit 77** is a true and correct copy of excerpts from the Transcript of the October 25 and 26, 2020 Deposition of Christoph Nebel in the instant case.

21. Attached as **Exhibit 78** is a true and correct copy of excerpts from Michael Capano's Laboratory Notebook.

22. Attached as **Exhibit 79** is a true and correct copy of Michael Capano's October 5, 2020 Declaration.

23. Attached as **Exhibit 80** is a true and correct copy of a May 8, 2020 Letter from J. Preston Long to S. Fowler.

24. Attached as **Exhibit 81** is a true and correct copy an October 30, 2020 e-mail from C. Sanabria to T. Wikberg.

25. Attached as **Exhibit 82** is a true and correct copy a May 14, 2020 Letter from S. Fowler to J. Preston Long.

26. Attached as **Exhibit 83** is a true and correct copy of excerpts from the Transcript of the October 16, 2020 Deposition of Yarden Tsach in the instant case.

27. Attached as **Exhibit 84** is a true and correct copy of U.S. Patent No. 7,115,241 to Hemley et al.

28. Attached as **Exhibit 85** is a true and correct copy of excerpts from the Transcript of the October 30, 2020 Deposition of Holly Meadows in the instant case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on November 4, 2020, at Potomac, MD.



J. Preston Long

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